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REMARKS/ARGUMENTS

Claims 8-29 and 23-29 remain in this application for examination, claims 1-8 and 20-22 having been cancelled without prejudice or disclaimer. Applicant expresses his sincere appreciation for the indication of allowable subject matter in claims 14-18, 28 and 29; however, after reviewing the cited references, Applicant is of the opinion that this invention is entitled to broader protection than that allowed thus far.

Claim Rejections Under 35 U.S.C. §112:

Claims 1-29 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite in that it is unclear what an Applicant intends by the recitation of "the dark surface having a high gloss finish to deflect light from the LEDs, while the dark surface absorbs visible light". Support for this limitation occurs on page 5 of the application as filed which recites:

The pair of rear combination lamps 23a (b) and the CHMSL 24 are dark in color so as not to reflect exterior light rays such as light rays 25 and 26 from an external source such as the sun 27 back to an observer following the vehicle. This is because dark objects absorb rather than reflect visible light. Since the rear combination lamps 23a (b) and CHMSL 24 absorb the externally omitted light rays 25 and 26, light rays 29 and 30 emitted by the rear combination lamps and CHMSL are not obscured by the light rays 25 and 26 and are thereby clearly visible to the observer. As will be explained hereinafter, this is accomplished by having dark surfaces of the lamps 23a (b) and 24 black, or substantially black, in color with glossy surfaces, so that when the lamps are illuminating, they are not obscured by exterior light sources such as light from the sun 27 or from other sources such as headlights of following vehicles.

A dark surface, especially a black surface, absorbs rather than reflects light. That is why the surface is dark. It is also clear that a dark surface can be flat, such as a flat black surface, or a dark surface can be glossy with the glossiness reflecting light, such with a glossy black surface. Clearly, surfaces can be dark and simultaneously glossy. For example, there are shiny black automobiles and occasionally flat black automobiles.

Everyone knows the difference.

In view of the aforementioned reason, Applicant respectfully submits that this rejection under 35 U.S.C. §112, should be withdrawn.

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Claim Rejections Under 35U.S.C. §103:

Claims 1-8 and 19-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Roberts et al. '312. Of these claims, independent claim 8 with depended claims 9-13 and 19, as well as independent claim 23 remain in this application as rejected, claims 14-18 having been allowed and claims 1-7 and 20-22 having been cancelled.

Considering first independent claims 8 and 23, it is respectfully submitted that both of these independent claims are patentable over Roberts et al. '312. Claim 8 recites the following structure neither taught or suggested by Roberts et al. '312:

a first array of LEDs which emit red light to provide both a tail light
and a brake light;

a second array of LEDs which emit amber or red light to provide a turn
signal.

It is respectfully submitted that Roberts et al. '312 does not disclose first and second arrays of LEDs either in its specification or drawings. Rather, Roberts et al. '312 merely makes the following broad statement in paragraph [0007]:

Amber, red and red-orange emitting visible LEDs are used in arrays of up to
100 components in visual signaling systems such as vehicle center high
maintenance stop lamps [CHMSLs], brake lamps, exterior turn signals and
hazard flashes, ...

There is no teaching in Roberts, et. al. of two different types of signals in one rear lighting assembly as claimed in Applicant's claim 8, in which Applicant recites that the first and second arrays are mounted in a bezel contained within a housing mounting the bezel and covered by a lens positioned over the bezel and the arrays of LEDs. This claimed structure is neither taught nor suggested by paragraph [0007] of Roberts et al. '312. Roberts et al. only states that LEDs may be used as components for vehicle signaling systems without suggesting a particular structural arrangement. Thus, Applicant's vehicle assembly system clearly distinguishes over paragraph [0007] of Roberts et al. '312.

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That the structure of claim 8 is not obvious in view of Roberts et al. is evidenced by paragraph [0084] which discusses Fig. 8 of Roberts et al. Fig. 8 is a specific example of the lighting arrangements of Figs. 1-3b of Roberts et al. in which a vehicle headlamp 2600, not a vehicle tail lamp, is constructed in accordance with the teachings of Roberts et al. The head lamp 2600 is not disclosed as having a first array of LEDs and a second array of LEDs, wherein the first array provides both a tail light and a brake light and the second array provides a turn signal. Rather, Fig. 8 shows a vehicle headlamp 2600 that includes neither a first array of LEDs, which emit red light to provide both a taillight and a braking light, nor a second array of LEDs, which emit amber or red light to provide a turn signal. Fig. 8 of Roberts, et al. neither teaches nor suggests a tail light, brake light and turn signal surrounded by a bezel, which bezel is mounted in a housing with a lens positioned over the bezel and over arrays of LEDs. The headlamp of Fig. 8 includes radiation emitters 2603 and 2605 in a single array, which emit light of the same color for headlamps. In the illustration of Fig. 8, the headlamp also has individual micro lenses 2631 for each pair of emitters, rather than a single lens which is positioned over the bezel and over arrays of LEDs. Clearly, the rear lamp assembly claimed in applicants claim 8 is novel over any structure or combination of structures taught by Roberts et al. '312.

Moreover, it is respectfully submitted that Roberts et al. '312 does not establish a *prima facie* case of obviousness under 35 U.S.C. §103(a). Roberts et al. '312 include statements, such as that of paragraph [0007], in an attempt to establish the breadth of their contribution by reciting different types of lamps and different colors of lamps containing arrays of LEDs, such as CHMSLs, brake lamps, exterior turn signals and hazard flashers which utilize amber, red, and red-orange emitting visible LEDs. Yet, in Roberts, et al. '312, there is no disclosure of Applicant's claimed structure. The only motivation or suggestion to form the schematic illustrations of Figs. 1-7 into an automotive rear lamp assembly is provided by Applicant's disclosure and claims. In Roberts, et. al. the only assembly for an automotive lamp is the headlamp of Fig. 8, which as previously explained, is a substantially different structure from Applicant's claimed rear lamp assembly.

The Examiner states "it is understood, that any desired colors of LEDs may be used in any desired arrangement." This conclusory concept does not render Applicant's claimed configuration for a rear lamp assembly or an automotive vehicle obvious. It is respectfully submitted that a host of

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LEDs of any desired colors can be used in a host of arrangements wherein many of these arrangements have no utility whatsoever under 35 U.S.C. §101, but Applicant has taken structures and arranged them in a useful rear lamp assembly device, the structure of which is neither taught nor suggested by Roberts et al. '312.

The Office Action asserts that Applicant's claimed invention is a matter of "design choice" because the desired colors of the LEDs do not change the functionality of the device and are used for aesthetic appearance only. It is respectfully submitted that this is clearly not the case in that a rear lamp assembly has specific colors in order to function as a rear lamp assembly. A rear lamp assembly which emitted white light would indicate to occupants of following vehicles that they were looking at the front of a vehicle traveling towards them, rather than the rear of a vehicle traveling in the same direction. Clearly, this is not the use of colors for aesthetic appearance only.

Claim 19 which discloses a third array of LEDs has also been rejected under 35 U.S.C. §103(a) as obvious in view of Roberts et al. '312. Applicant respectfully submits that claim 19 includes all of the limitations of claim 8 and is therefore patentable for the same reasons as claim 8. Note in the rejection of claim 19 that the Office Action refers to Fig. 8 of Roberts, et al. which is a headlamp rather than a rear lamp. This rejection is merely further evidence of distinctions between Applicant's claimed invention and Roberts et al.

With respect to independent claim 23, claim 23 distinguishes over Roberts et al. for the same reasons as claim 8 in that claim 23 recites:

...a pair of rear lamps disposed on opposite sides of the automotive vehicle, each rear lamp having first and second arrays of LEDs, the first array of LEDs emitting red light to provide both a tail light and a brake light and the second array of LEDs emitting amber or red light to provide a turn signal.

As previously pointed out, this arrangement for rear signal lamps is not suggested by Roberts et al. it is rather revealed only by Applicant, and as pointed out above, this is clearly not a mere matter of design choice used for aesthetic appearance only. It is respectfully submitted that this rejection, like the rejection of claim 8, is conclusory and erroneous in that the purpose of a rear signal lamp is antithetical to that of a headlamp of Roberts et al. Fig. 8.

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With respect to claim 24, claim 24 depends from claim 23 and is patentable for the same reasons, i.e., Roberts et al. does not disclose Applicants' claimed first and second arrays of LEDs for rear signal lamps.

Claims 9-13 and 25 have been rejected under 35 U.S.C. §103(a) as unpatentable over Roberts et al. '312 in view of Gordon '733. Applicant respectfully traverses this rejection.

Claims 9-13 and claim 25 are of course patentable for the same reasons as independent claims 8 and 23 because Gordon '733 does not cure the deficiencies of Roberts et al. '312 as a reference against Applicant's independent claims 8 and 23. Moreover, as previously explained, Roberts et al. disclose neither the rear lamp assembly as recited in claims 9-13, nor an arrangement of rear signal lamps as recited in claim 25, and Gordon discloses a vehicle wheel lighting system in which reflective bodies replace wheel spokes. It is respectfully submitted that a wheel is not a rear lamp. The only suggestion that passive reflectors can be combined with the rear lamp assembly or arrangement as claimed in claims 9 and 25, is Applicant's own disclosure. While wheels are mounted on automotive vehicles, wheel reflectors do not correspond reflectors for rear lamp structures for automotive vehicles. This is because wheels and rear lamps have an entirely different purpose and structure. In that the wheel art is clearly non-analogous, a *prima facie* case of obviousness can not be established by the combination. Accordingly, it is respectfully requested that this rejection of Roberts et al. '312 in view of Gordon '733 be withdrawn.

The combination of Roberts et al. '312 and Terao '972 is clearly a combination of existing elements from disparate arts. Patentable inventions are typically new combinations of existing principles or features. See, Environmental, see Designs, Ltd. vs. The Union Oil Company, 713 Fed 2nd 693, 698, (Fed Cir. 1983) which noted that "virtually all inventions are combinations of existing elements." Clearly, in this case Applicant has combined reflectors with LEDs in a new way to achieve a new result that renders the inventions of claims 9-13 and 25 patentable.

Claims 26 and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Roberts et al. '312 in view of Terao '972. Applicant respectfully traverses this rejection.

In that Terao '972 does not cure the deficiencies of Roberts et al. '312 as a reference against Applicant's claimed invention, claims 26 and 27 are patentable over Roberts et al. for the same reasons as claim 23. Fig. 8 of Roberts et al. is directed to a head lamp rather than to the claimed

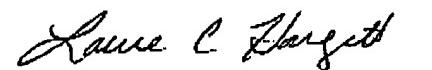
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arrangement of rear signal lamps and Terao is directed to a conventional arrangement of incandescent lamps rather than the claimed arrays of LEDs. Applicant respectfully submits that the combination of Roberts et al. with Terao does not establish a *prima facie* case of obviousness. First Terao '972 must cure the deficiencies of Roberts which Terao does not do since Terao neither teaches nor suggests the use of LEDs. Second, Terao '972 must at least suggest mounting sidewardly facing LED's in a rear signal lamp, but Terao '972 is directed to a head lamp, not Applicant's claimed rear signal lamp arrangement.

It is submitted that one skilled in the art would only combine the teachings of Terao and Roberts et al. using Applicant's claims as a template since the references are clearly directed to structures which are different in configuration and function. Accordingly, it is respectfully requested that the rejection of claims 26 and 27 under 35 USC § 103(a) be withdrawn.

In that this is a full and complete response to the Office Action of August 9, 2005, it is respectfully requested that this application be allowed and passed to issue. If the Examiner for any reason feels a personal conference with Applicant's attorneys might expedite prosecution of this application, the Examiner is respectfully requested to telephone the undersigned.

Respectfully submitted,



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